

- A2
Concub.
87. A composition comprising the isolated protein of claim 81 and a pharmaceutically acceptable carrier.
88. An isolated antibody which binds specifically to the protein of claim 81.
89. A method of detecting a galectin 10 or 10SV protein in a sample, comprising:
- (a) contacting said sample with an antibody according to claim 88, under conditions such that immunocomplexes form, and
 - (b) detecting the presence of said antibody bound to said protein.

Remarks

After cancellation of claims 9-10 and 12-16 and entry of the foregoing amendments, claims 17-89 will be pending in the application, with claims 17, 28, 37, 46, 54, 62, 70 and 81 being the independent claims.

I. The Amendments to the Specification

The specification has been amended to include the new address of the American Type Culture Collection (ATCC). The ATCC has recently moved from 12301 Park Lawn Drive, Rockville, MD 20852 to 10801 University Blvd., Manassas, VA 20110-2209. Applicants were advised on May 19, 1998, in a notification published in the Official Gazette, to amend pending applications to refer to the current address of the ATCC. (1210 OFF. GAZ. PAT. OFFICE 74 (May 19, 1998).) The amendment to page 6, line 7, is required to incorporate the new address of the ATCC into the specification.

The amendment to page 3, line 9, is necessary to correct errors related to the contents of the deposited biological materials. In particular, the specification states that the cDNA clones encoding galectin 8 (ATCC Deposit No. 97732), galectin 9 (ATCC Deposit No. 97733), and galectin 10SV (ATCC Deposit No. 97734) were deposited in bacterial hosts. However, as evidenced by the attached ATCC deposit receipts, these cDNA were deposited as plasmid DNAs. The amendments to the specification do not add new matter.

Page 12, line 9, of the specification has been amended to correct an obvious typographical error in the amount of ingredients listed for 5x SSC (sodium chloride/sodium citrate). An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of the error in the specification, but also the appropriate correction. (M.P.E.P. § 2163.07.) Here, the recognition of the typographical error, along with the correction of the error, in the amount of the ingredients listed for 5x SSC, is obvious to one skilled in the art, and, therefore, the correction does not constitute new matter.

5x SSC is a well known solution used in hybridization solutions. (*See, e.g.,* Exhibit A, CURRENT PROTOCOLS IN MOLECULAR BIOLOGY, John Wiley and Sons, N.Y., Supplement 35, page 2.10.7 (1996).) SSC is normally made as a 20x stock solution, and then diluted accordingly for a particular use. Exhibit B shows that a 20x SSC stock solution contains 3M NaCl and 0.3M trisodium citrate. (Exhibit B, CURRENT PROTOCOLS, page A.2.5.) To make a 5x SSC solution, the 20x SSC solution must be diluted by one-fourth. Therefore, a 5x SSC solution contains 750mM NaCl ($3\text{M} \div 4 = 750\text{mM}$) and 75mM trisodium citrate ($0.3\text{M} \div 4 = 75\text{mM}$).

One skilled in the art would have immediately recognized that the amount of ingredients listed in the specification for a 5x SSC solution was incorrect. Rather than describing a 5x SSC solution, made up of 750mM NaCl and 75mM trisodium citrate, the specification inaccurately listed the ingredients for a 1x SSC solution. Further, the skilled artisan, in recognizing the

typographical error, could easily have adjusted the amount of ingredients described in the specification to properly make a 5x SSC solution. Therefore, the correction of this typographical error does not introduce new matter.

Page 12, line 10, of the specification has also been amended to correct an obvious typographical error in the amount of denatured, sheared salmon sperm DNA in the hybridization solution used in an example of "stringent hybridization conditions". The originally filed specification refers to the inclusion of 20 g/ml denatured, sheared salmon sperm DNA but should recite 20 μ g/ml.

The inclusion of agents such as salmon sperm DNA as blocking agents is well known in the art. (*See, e.g.*, Exhibit A, CURRENT PROTOCOLS, page 2.10.7.) One skilled in the art would know that salmon sperm DNA is present in hybridization solutions in μ g/ml quantities and thus would immediately recognize the above-described typographical error in the specification. *See id.* Further, the skilled artisan, in recognizing the typographical error, could easily have adjusted the amount of ingredients described in the specification to properly included 20 μ g/ml denatured, sheared salmon sperm DNA in the hybridization solution. Therefore, the correction of this typographical error does not introduce new matter.

Additional pages of the specification have also been amended to correct obvious typographical errors.

II. Claims 17-89 Are Supported by the Specification

Claims 17-89 have been added to the application. Support for claims 17-89 can be found throughout the application. In particular, support for claims 17-20 and 70-73 can be found in the specification, *inter alia*, in Figures 2 and 4 and at page 14, line 11, to page 15, line 23. Support for claims 28-31 and 81-84 can be found in the specification, *inter alia*, at page 5, line 25, to page

6, line 9; at page 14, line 11, to page 15, line 23; and at page 21, line 20, to page 22, line 4. Support for claims 37-40 can be found in the specification, *inter alia*, at page 5, lines 14-23. Support for claims 46-48 can be found in the specification, *inter alia*, at page 24, lines 10-19, and at page 26, lines 16-19. Support for claims 54-56 can be found in the specification, *inter alia*, at page 10, line 16, to page 12, line 2; at page 16, line 21, to page 17, line 14; and at page 25, lines 22-30. Support for claims 62-64 can be found in the specification, *inter alia*, at page 12, lines 3-18; at page 16, line 21, to page 17, line 14; and at page 25, lines 22-30. Support for claims 26-27 and 79-80 can be found in the specification, *inter alia*, in original claims 15 and 16. Support for claims 21-23, 32-34, 41-43, 49-51, 57-59, 65-67, 74-76, and 85-87 can be found in the specification, *inter alia*, at page 18, line 6, to page 20, line 30. Support for claims 24, 35, 44, 52, 60, 68, 77 and 88 can be found in the specification, *inter alia*, in original claim 10. Support for claims 25, 36, 45, 53, 61, 69, 78 and 89 can be found in the specification, *inter alia*, in original claim 13.

Applicants note that, while the original claims of the captioned application are numbered 1-16, this application was filed with only 15 claims. This is so because, due to a typographical error, claim 14 was omitted from the original claim set. Applicants have canceled the original claims and have numbered the new claims submitted herein beginning with number 17 to prevent confusion.

Conclusion

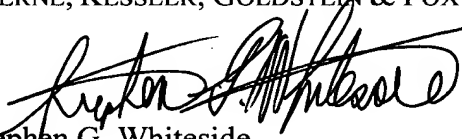
It is respectfully believed that this application is now in condition for substantive examination. Early notice to this effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Stephen G. Whiteside
Attorney for Applicants
Registration No. 42,224

Date: 6/25/99
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600
P91-29.WPD